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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/394,289 09/10/99 SCARPA

J N800/ST-108

QM02/1016

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NORTH PALM BEACH FL 33408

EXAMINER

KIM, C

ART UNIT

PAPER NUMBER

3752

DATE MAILED: 10/16/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/394,289

Applicant(s)  
Scarpa et al.

Examiner  
Christopher S. Kim

Group Art Unit  
3752



☒ Responsive to communication(s) filed on 1 Aug 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-10 is/are pending in the applicat

Of the above, claim(s) 8-10 is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-7 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on 10 Sep 1999 is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on 1 Aug 2000 is ☐ approved ☒ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## DETAILED ACTION

### *Drawings*

1. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on August 1, 2000 have been disapproved.

The proposed drawing correction does not include the following reference sign(s) mentioned in the description:

"182" on page 21, line 4;

"184" on page 21, line 8;

"220" on page 22, line 14;

"224" on page 22, line 15; and

"116a" on page 23, line 4.

Correction is required.

The proposed drawing correction does not address the use of reference character "106" to designate both the extension portions and the sleeve in figure 4. Correction is required.

Correction should also be reflected in figure 2 and in the specification page 16, lines 15, 16.

The proposed drawing correction does not address the use of reference character "116" to designate both the sleeve and the annular manifold in figures 2 and 4. Correction is required.

Correction should also be reflected in the specification page 17, lines 4, 5.

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2. In view of the disapproved drawing changes, the following drawing objections from the prior office action are maintained.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "147" has been used to designate both a control knob in figure 1 and a solvent line in figure 7. Correction is required.
4. The drawings are objected to because reference number "116" in figure 2 should read --106-- and reference number "70" in figure 4 should read --90--. Correction is required.
5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "17" on page 12, line 5; "60" on page 14, line 16; "72" on page 14, line 19; "98" on page 16, line 8; "149" on page 19, line 9; "182" on page 21, line 4; "184" on page 21, line 8; "162a" on page 22, line 12; "166a" on page 22, line 13; "220" on page 22, line 14; "224" on page 22, line 15; "16a" on page 22, line 18; "70a" on page 23, line 3; "90a" on page 23, line 4; "116a" on page 23, line 4; and "14a" on page 23, line 5. Correction is required.

*Specification*

6. The disclosure is objected to because of the following informalities: on page 16, line 2, "88" should read --68--.

Appropriate correction is required.

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*Claim Rejections - 35 USC § 112*

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1-7 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The application as filed does not disclose "said fluid tip including a circular shaped member abutting the inner surface of said air cap" as recited in amended claim 1.

*Claim Rejections - 35 USC § 103*

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Black.

Black discloses a spray gun 62 including a handle 68, the spray gun having: a central passage (passage in gun 62 leading to additional passage formed by tube 12); a concentric passage (passage in gun 62 leading to additional concentric passage formed by tube 27); a nozzle internal of the spray gun (inherent in spray gun 62); a double concentric tube assembly 12, 27; a fluid tip 52; an air cap 15; a dry powdered nozzle 14. Although the spray gun is disclosed as spraying tar and glass fiber, the spray gun is capable of spraying resin and dry powder. Black does not

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disclose flats on the circular shaped member of the fluid tip. It is well known in the art to use flats on the circular shaped member (the cylindrical surface of fitting 48 of fluid tip 52) to accommodate a wrench. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have added flats to the fluid tip of Black to accommodate a wrench.

11. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Black in view of Breitsprecher.

Black discloses a sleeve 11 having a single passage 60a and not diametrically opposed passages. Breitsprecher discloses, in figure 3, diametrically opposed passages 46, 47. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have added a second passage that is diametrically opposed as taught by Breitsprecher to the sleeve of Black to promote uniform addition of dry powder.

12. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Black in view of Schowiak.

Black discloses the claimed limitations with the exception of a receiving box. Schowiak discloses a receiving box 24 attached to a handle 14. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have incorporate the receiving box of Schowiak to the handle of Black to relocate the fiber cutting mechanism, which would have increased the ease of handling the spray gun.

13. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Black in view of Schowiak as applied to claim 5 above, and further in view of Warren.

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Black discloses the claimed limitations with the exception of a mixer and manifold.

Warren discloses, in figure 1, a mixer 46, a manifold 45, connection means 32, 33, and a hose 48. It would have been obvious to a person having ordinary skill in the art at the time of the invention to use the manifold and mixer of Warren to supply the spray gun of Black.

14. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Black in view of Schowiak and Warren as applied to claim 6 above, and further in view of Breitsprecher.

Black discloses, in column 4, lines 3-8, a valve actuating trigger. Black discloses a valve connected to the central passage of the spray gun and not the additional central passage. It is a matter of design choice to locate the valve within the gun or within the additional central passage as shown by Breitsprecher. The valve 27 of Breitsprecher extends to opening 40 in the additional central passage. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have located the valve in the additional central passage of Black as taught by Breitsprecher to prevent flow within the additional central passage after the valve is closed.

#### *Response to Arguments*

15. Applicant's arguments filed August 1, 2000 have been fully considered but they are not persuasive.

In response to applicants' argument that Black is not a convergent type of spray gun, the taper bore 51 of Black is considered to induce a convergent spray.

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In response to applicants' argument that Black does not disclose a miniaturized gun, the term "miniaturized" is a relative term. The device of Black is considered a "miniaturized" as compared to a spray gun that cannot be hand held.

In response to applicants' argument that Black does not disclose the fluid tip fitting into the air cap and together mixing the resin and air to atomize the resin before it flows to the convergent cap 120, it appears that applicants are arguing the specification and not the claimed limitations.

In response to applicants' argument directed to "While the Examiner is of the opinion that spraying tar is the equivalent of spraying with resin...", resin, as recited in the claim, is considered to be intended use for the spray gun.

In response to applicants' argument that none of the references, collectively or individually, show the fluid tip element and the relationship of the fluid tip with the air cap and the convergent cap, a convergent cap does not appear to a claimed limitation.

### *Conclusion*

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**



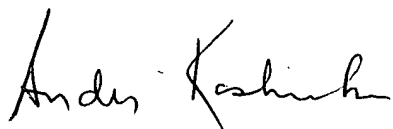
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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. Kim whose telephone number is (703) 308-8336. The examiner can normally be reached on Monday-Thursday from 6:30 a.m. to 5:00 p.m.

The fax phone number for this Group is (703) 308-7766.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.

  
ANDRES KASHNIKOW  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

10/16/00

CK

October 15, 2000